

REMARKS

The present application relates to a method of treating or inhibiting the growth of cancer cells and associated diseases by administering certain substituted triazolopyrimidines.

Applicants will rely on rights provided under 35 USC 121 to prosecute the non-elected aspects of the invention in divisional applications.

Reconsideration and allowance of the application are respectfully requested in light of the foregoing amendments and the following remarks.

Claims 11-19 are pending in the application. By the current amendment claim 11 is amended and claim 19 is cancelled.

In an office communication of May 7, 2004 the Examiner provided the following rejections and objections.

Rejection Under 35 USC 112, First Paragraph

The Examiner has rejected claims 11-19 under 35 USC 112 first paragraph as failing to comply with the written description requirement. The claim(s) contain subject matter “ras-associated diseases” which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner refers to claim 11, line 1.

In response, applicants point the Examiner to page 1, lines 15-23 where “ras-associated diseases” are defined, “The compounds are inhibitors of *Ras* FPTase, and may be used as an alternative to, or in conjunction with, traditional cancer therapy for treating *ras* oncogene-dependent tumors, such as cancers of the pancreas, colon, bladder, and thyroid. Compounds in the invention may also be useful for controlling metastasis, suppressing angiogenesis, inducing apoptosis, and in treating Ras-associated proliferative diseases other than cancer,

such as restenosis, neuro-fibromatosis, endometriosis, and psoriasis...” Applicants further point the examiner to page 5, starting on line 30 and ending on page 6, line 2 of the specification wherein ras-associated diseases are described, “...*ras* oncogene-dependent tumors, which include cancers of the pancreas, colon, bladder, and thyroid; a method of controlling metastasis, suppressing angiogenesis, and inducing apoptosis; a method of treating Ras-associated proliferative diseases other than cancer, which include restenosis, neuro-fibromatosis, endometriosis, and psoriasis in a mammal in need thereof.” In particular, a further description of ras-associated diseases is included within the specification starting on page 6, line 5 to page 7, line 20. Further description is provided on page 17, lines 5-12 of the specification

Applicants believe they have complied with the written description requirement 35 USC 112 first paragraph and respectfully request the Examiner to reconsider and withdraw the rejection and allow claims 11-19.

The Examiner has also rejected claims 11-19 under 35 USC 112 first paragraph, because the specification, while being enabling for methods of use treating breast cancer of “ras-associated diseases” does not reasonably provide enablement for methods of use treating diabetes. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. The Examiner has suggested amending the claims to incorporate the named diseases (ie page 6, lines 20-31 from the specification).

Without necessarily implying agreement with the Examiner, Applicants have amended claim 11 using the Examiner’s suggestion to incorporate the named diseases into the claims to overcome the rejection. The named diseases may be found on page 5, lines 31-33, page 6, line 1 and page 6, lines 20-31. Applicants believe the rejection under 35 U.S.C. 112 first paragraph may be removed in view of the amended claims.

The Examiner has rejected claim 11 under 35 U.S.C. 112 first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner has suggested that if the claims are amended to incorporate the named diseases into the claims the rejection would be obviated. Applicants

have amended the claims as suggested by the Examiner. Applicants believe the rejection under 35 U.S.C. 112 first paragraph may be removed in view of the amended claims.

The Examiner has rejected claims 11-19 under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, recites the limitations “phenoxy optionally mono or di-substituted”, “benzyloxy optionally mono or di-substituted” and “phenyl optionally mono or di-substituted” which are ambiguous and indefinite and it is unclear what the “mono or di-substituted “ of R_3 - R_6 are. The Examiner has suggested that incorporation of the scope of “optionally mono or di-substituted of phenoxy, phenyl or benzyloxy” of the compound of formula I into the claims would obviate the rejection.


In reply, Applicants have amended claim 11 to include the substituent definitions as suggested by the Examiner and believe the rejection under 35 U.S.C. 112 second paragraph may be removed and the claims allowed.

The Examiner has stated that claim 19, lines 1-2, is ambiguous and indefinite where the limitation “ras-associated disease in mammals in phenyl modifications or proteins” is recited. The Examiner has further stated that it is unclear what the ras-associated disease in mammals is. The Examiner has suggested incorporation of the named diseases into the claims, would obviate the rejection. Applicants have amended claim 11 to include the named diseases at the suggestion of the Examiner. Applicants have canceled claim 19. Applicants believe the rejection under 35 U.S.C. 112 second paragraph may be removed.

The Examiner has objected to claim 15, wherein there are typographic errors. Applicants have amended claim 15 to remove the typographical errors. Applicants point the Examiner to the chemical nomenclature of the last entry of Table 1, page 14. Applicants have amended claim 15 to correct the typographical error by removal of the number 1 as shown in the name ~~13-[3-(4-3-[3-(4-Chlorophenyl)prop-2-ynyl]-3-(4-methylbenzenesulfonyl)-pyrrolidine-2,5-dione~~. Applicants believe the objection can be removed and the claim allowed in view of the amendment.

In conclusion, applicants respectfully request that the Examiner enter the amendment, reconsider the rejections in light of the remarks herein, amendments to the claims and allow the application. Favorable treatment is earnestly solicited.

Respectfully submitted,



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